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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,831	03/04/2004	Daniel Ledermann	250031US2	3854

23446 7590 10/28/2011

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER	
THOMAS, JASON M	

ART UNIT	PAPER NUMBER
2423	

NOTIFICATION DATE	DELIVERY MODE
10/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mhmpto@mcandrews-ip.com

Office Action Summary	Application No.	Applicant(s)	
	10/791,831	LEDERMANN ET AL.	
	Examiner	Art Unit	
	JASON THOMAS	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-3 and 7-14* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-3 and 7-14* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 and 7-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani, (U.S. Pat. No. 7,003,791 B2) in view of Christopoulos et al., (U.S. Pub. No. 2001/0047517 A1), Perlman, (U.S. Pub. No. 2002/0184637 A1), Solomon, (U.S. Pub. No. 2003/0070174 A1) and Paxton et al., (U.S. Pat. No. 7,900,231 B2).

Regarding claim 1: Mizutani discloses a system for recording and playback of television signals from a plurality of television channels, comprising: a storage unit 105 (alternatively 29); a computer-based controlling central unit 98 (alternatively 13 or 15), connectible to a telecommunication network 17; a plurality of television receivers 121-123 (alternatively 23-27 or 101), each connected to the controlling central unit and configured to receive television signals 31 on one of the television channels; a plurality of coding modules 131-135 (alternatively encoders resident in

network server 15), connected to the television receivers, configured to code the received television signals into a digital format 127; an instruction unit (14, 15 (i.e. where the server inherently has a processor) or 97 for a processing device for processing instructions), connected to the controlling central unit, configured to receive and store recording instructions from users via the telecommunication network, the recording instructions including a user identification of a mobile terminal, electronic programming guide information identifying a program to be recorded of the television signals (i.e. a channel number, recording timing), digital rights management (DRM) information (i.e. user identification information which enables the system to determine user access) and quality parameters, and configured to instruct the controlling central unit to select and store the television signals in the digital format on the storage unit corresponding to the program identified by the electronic programming guide information of the recording instructions and based on the quality parameters, and configured to assign the user identification to the selected television signals and to store the user identification together with the television signals on the storage unit (see e.g. [abstract], [cols. 2-3, ll. 55-20], [col. 5, ll. 26-55], [col. 6, ll. 20-49], [col. 7, ll. 9-15]); and a playback module 107 (where the network access interface reads on a playback module in that it provides the client device the ability to play back content which has been recorded) configured to generate access right keys based on the digital rights management information (i.e. where the user identification is used to enable the system to determine user access of selected media), and to transmit the television signals

stored in the digital format on the storage via the telecommunication network for playback to a display terminal 11 (alternatively 13) associated with the user, the display terminal being identified by a network address that is linked to the user identification assigned to the respective stored television signals of the storage unit (see e.g. [cols. 2-3, ll. 55-20]).

While Mizutani teaches allowing the user to make a selection indicative of parameters associated with the respective display terminal (see e.g. [col. 6, ll. 20-33]) Mizutani is silent regarding the act of transmitting the television signals in a format dependent upon the quality parameters and the access right keys and wherein access right keys are generated after the user sends the digital rights management information to the playback module that includes access rights for the program that was previously selected by the user and previously store at the storage unit.

Christopoulos teaches an analogous system which provides media from a server to users upon request, based on information in the form of “hints” which indicate user preferences, client capabilities and/or network capabilities (i.e. quality parameters). These “hints” are obtained by the server to enable transcoding which provides “format fitting” media based on the user preferences and capabilities (see e.g. [abstract], [0002], [0033], [0035], [0038-0039], [0046]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording instructions of Mizutani, by including information which indicates the network capabilities, as taught by Christopoulos, in order to better meet

the needs of users based on each client device and network capability, thereby better meeting each users specific viewing needs.

Christopoulos however, fails to teach protecting the media to limit access of the protected content to authorized users, and wherein access right keys are generated after the user sends the digital rights management information to the playback module that includes access rights for the program that was previously selected by the user and previously store at the storage unit. Perlman teaches an encryption system which encrypts a video signal prior to storage (see [57], [59] for protecting media content), an access control module configured to generate access rights which are transmitted via the network to authorized users (see [58]), and a playback module for transmitting the encrypted data to the user (see [61]). Therefore it would have been obvious to one of ordinary skill in the art to modify the controlling system which delivers content to end users of Mizutani, by providing a means of encryption and decryption, as taught in Perlman, when providing a means to transmitting video across a network as instructed by users, as taught in Jones, because this prevents unauthorized users from viewing video content (see [57]).

Pearlman however is not explicit on who is able to receive the protected content and is silent regarding wherein access right keys are generated after the user sends the digital rights management information to the playback module that includes access rights for the program that was previously selected by the user and previously store at the storage unit. Solomon teaches a system where only authorized users are able to receive content in a format which enables the content to

be displayed (see [40], [65], [73]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the method of modifying the encrypted content, as taught by Solomon, by limiting access to the decrypted content only to the users who are authorized and who have decided to receive and view particular content.

Solomon however does not teach wherein access right keys are generated after the user sends the digital rights management information to the playback module that includes access rights for the program that was previously selected by the user and previously store at the storage unit

In analogous art for providing media content protection, Paxton teaches a system for the capture and selective playback of archived programs where the copy of the program selected to be stored is associated with information uniquely identifying the subscriber and wherein a playback system is configured to generate access rights for the subscriber after the user sends DRM information (i.e. subscriber identification information, pin, access code, etc.) to the system for a program that was previously selected and stored by the user at a archive content server in a broadcast system (see e.g. [figs. 3, 6], [abstract], [col. 2, ll. 43-53], [col. 5, ll. 22-45], [col. 13, ll. 4-21], [cols. 20-21, ll. 55-5], [cols. 21-22, ll. 51-63]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital rights management features of the aforementioned prior art, by providing access rights after the content is selected and stored by a user after the user's identification has been verified, as taught by Paxton, in order to allow

a single archived program to be usable for more than one user thus saving archival space and reducing overall processing.

Regarding claim 2: The combined teachings of the aforementioned art disclose wherein the controlling central unit is configured to transmit, in accordance with the stored recording instructions, control signals to one of the connected television receivers for activation of the respective television receiver and/or for selection of a television channel on the respective television receiver based on the channel number (see e.g. Mizutani [cols. 11-12, ll. 66-35] where a controlling device inherently controls the activation or deactivation of the selected receivers to enable simultaneous control or alternatively using only a single receiver when multiple programs are not being aired simultaneously).

Regarding claim 11: The combined teachings of the aforementioned art disclose wherein the plurality of television receivers and the plurality of coding modules are configured to receive and record television signals from different channels in parallel at the same time for two different users from said users (see e.g. Mizutani [cols. 4-5, ll. 66-8], [cols. 5, ll. [26-55], [cols. 11-12, ll. 66-35]).

Regarding claim 14: The combined teachings of the aforementioned art disclose wherein the quality parameters include information on display resolution of the respective display terminal, and transmission speed of the communication network to the respected display terminal (see Mizutani e.g. e.g. [col. 6, ll. 20-33] ; see also Christopoulos e.g. [abstract], [0002], [0033], [0035], [0038-39], [0046]).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani, in view of Christopoulos, Perlman, Solomon and Jones et al., (CA 2,321,462 A1).

Regarding claim 3: While the aforementioned art teaches wherein the telecommunication network is a network based on Internet protocol, and the playback module is further configured to transmit the television signals, stored in the digital format (see e.g. Mizutani [fig. 1, 17], [col. 7, ll. 9-15]) there is no mention of using a streaming mode via the telecommunication network to the display terminal associated with the user.

In analogous art however, Jones teaches using a streaming mode to relay content to end users (see e.g. [pg. 7, ll. 1-11], [pg. 9, ll. 15-22], [pg. 13, ll. 20-23], [pg. 22-23, ll. 22-7] for using an IP stream). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmission mechanism of Mizutani, by providing a means for IP streaming, as taught by Jones, in order to provide more efficient means of distributing the video content to end users.

4. Claims 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani, in view of Christopoulos, Perlman, Solomon and Fingerman et al., (U.S. Pat. No. 7,143,430 B1).

Regarding claim 7: While Mizutani teaches wherein the controlling central unit is further configured to transmit, after successful storing of the television signals, in accordance with the stored recording instructions, an electronic ready notification via the telecommunication network to the mobile terminal of the user whose user

identification is assigned to the respective recording instructions (see e.g. [claim 83]) but fails to teach wherein the notification is a message.

Fingerman teaches sending notifying the end user upon completing a recording via message (see e.g. [col. 3-4, ll. 66-5]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the notification of Mizutani, by instead using a message, as taught by Fingerman, in order to provide an alternate means of indicating to the user that his/her content is ready for viewing..

Regarding claim 8: While Mizutani teaches wherein the controlling central unit is further configured to erase automatically television signals, after a defined period of time after their storage (see e.g. [col. 3, ll. 43-56]) the combined teachings are silent regarding wherein the controlling central unit is set up to transmit automatically, before the automatic erasing, an electronic warning signal via the telecommunication network to the mobile terminal of the user whose user identification is assigned to the respective stored television signals.

Fingerman teaches providing the user with a warning when stored content will be deleted prior to deleting said content (see [fig. 8], [col. 10, ll. 33-41] for an electronic warning). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deletion procedure of Mizutani, by warning the end user prior to deletion, as taught by Fingerman, in order to provide the end user with the option to delete programs that are not desired rather than loosing valued content.

Regarding claim 10: While Mizutani teaches wherein the controlling central unit and the playback module are each implemented on different computers connected to one another, the controlling central unit and/or the playback unit including memories for storing the television signals coded in the digital format (see e.g. [figs. 1, 7, 17] where both the server and client have storage devices for storing digital content) the combined teachings of the aforementioned art fail to teach wherein the television receivers are configured to receive digital and/or analog television signals via cable television networks and/or via television antennas for terrestrial television broadcasting or satellite television transmission.

Fingerman teaches using various delivery systems for distributing content to end users which include satellite, cable TV, broadcast TV and CCTV (see e.g. see Fingerman [col. 5, ll. 12-18], [col. 9, ll. 27-44]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the distribution means of Mizutani, by providing multiple modes of distribution, as taught by Fingerman, in order to provide alternative means for receiving desired programming.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani, in view of Christopoulos, Perlman, Solomon and Ellis et al., (U.S. Pub. No. 2003/0149988 A1).

Regarding claim 9: The combined teachings of the aforementioned art do not teach wherein the controlling central unit is further configured to store only once, jointly assigned to the user identifications of the respective plurality of users,

television signals, which have been received at a time and on a television channel which are identified through consistent recording instructions from a plurality of users.

Ellis teaches the concept of a media server which stores a single copy of a program for multiple clients to simultaneously play back after being recorded (see [fig. 6a], [20], [90-96]). Therefore it would have been obvious to one of ordinary skill in the art to modify the storage procedures of Mizutani, by only storing a single copy which can be used to provide access to multiple users, as taught in Ellis, when providing a storage server to record media to be viewed at a later time, as taught in Jones, because this saves the amount of storage space used for multiple of users by reducing the amount of duplicate media to be saved by each user.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani, in view of Christopoulos, Perlman, Solomon and Slotznick, (U.S. Pat. No. 7,058,356 B2).

Regarding claim 12: The combined teachings of the aforementioned art do not teach sending an electronic message in the form of an email to a client but do not teach wherein the ready message is a short message sent to a mobile device by the users.

Slotznick teaches a mobile (terminal) device (see [fig. 1c]) which can receive transmissions such as e-mail and internet access (see [cols. 15-16, ll. 63-9]). Therefore it would have been obvious to one of ordinary skill in the art to provide a mobile (terminal) device capable of receiving messages, as taught in Slotznick,

when providing a means of communicating through e-mail messages to media users of such a device, as taught in combined teachings, because this allow the viewer to be notified of the completion of a recording when the user is remotely located with respect to their viewing device (see [abstract]).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani, in view of Christopoulos, Perlman, Solomon and Mensch, (U.S. Pub. No. 2002/0133824 A1).

Regarding claim 13: The combined teachings of the aforementioned art do not teach wherein the instruction unit is further configured to extract the user identification of the mobile terminal by using at least one of an international mobile subscriber identity IMSI or a call number.

Mensch teaches wherein a customer can be identified by the cell phone from which they call (see [16], [18]). Therefore it would have been obvious to one of ordinary skill in the art to use identifying information from a mobile device, as taught in Mensch, to extract and identify a user to properly process the user's recording request, as taught in the combined teaching, because when communicating with a network using a mobile device sufficient information is captured during the communication process necessary to identify a person requesting entertainment for the mobile devices which all have unique numbers such as a cell phone (see [16]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423